



The Freeport Doctrine



Artist Interpretation of Lincoln-Douglas Debate

In 1858 Abraham Lincoln and Stephen Douglas held a series of debates as they campaigned for the U. S. Senate seat from Illinois. In these debates one candidate would speak for an hour, the second for an hour and a half, followed by the first with a half-hour rebuttal. Douglas opened and closed four of the seven debates. The second of these debates was held in Freeport, Illinois on August 27, 1858. At Freeport, Lincoln asked Douglas whether the people of a territory could lawfully exclude slavery prior to the creation of a state constitution. Douglas' answer became known as the Freeport Doctrine and was another in a chain of events, all "linked" to each other, which led to Lincoln's election as the 16th President and to civil war.

Douglas on Slavery

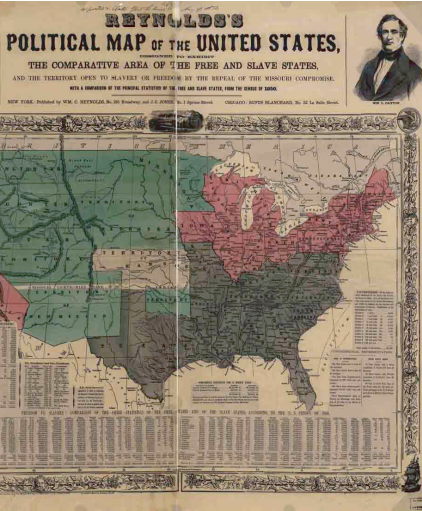
The two "links" just before the Freeport Doctrine were the Kansas-Nebraska Act, championed by Douglas, and the Supreme Court's decision in the Dred Scott Case.

Prior to passage of Douglas' Kansas-Nebraska Act, the Missouri Compromise had prohibited slavery in the Louisiana Territory north of 36 degrees, 30 minutes north latitude. The Kansas-Nebraska Act overthrew this and allowed the possibility of slavery in what had been the Louisiana Territory north of the "Missouri Compromise" line.

In the Dred Scot Decision, the U.S. Supreme Court declared that negroes could not be U.S. citizens and that Congress and its designated representative, a territorial

legislature, could not prohibit slavery in a territory. This angered many in Illinois and it was a fatal blow to Douglas' theory of popular sovereignty. Douglas had championed popular sovereignty as the end to all the controversy over the spread of slavery. Douglas wanted to let the people of a territory decide if they would have slavery or not. Lincoln and others contended it was the duty of the national government to regulate slavery in the territories, and the government should follow through with what they considered were the wishes of the "Founding Fathers" and prohibit slavery in the territories. The Dred Scott decision put an end to both popular sovereignty and the national prohibition of slavery in the territories.

Lincoln paints Douglas into a corner



Missouri Compromise Map

The question Lincoln posed at Freeport, "could the people of a territory in any lawful way, against the wishes of any citizen of the United States, exclude slavery from their limits prior to formation of a state constitution," put Douglas in a quandary. If he said "no" it would displease many people in Illinois and he would likely lose the 1858 election for Senate to Lincoln. If he said "yes," he had to explain how and he risked the possibility of angering the proponents of slavery who felt it was their right to take their property (their slaves) into any territory. The defenders of slavery

felt that if they couldn't they were being denied equal protection under the law. If Douglas chose the later it would hurt his hoped for campaign for the presidency in 1860.

Douglas had answered this question before, and Lincoln knew what the answer would be. But Lincoln wanted to make Douglas answer in what had become a national forum. Through the medium of the telegraph, the Debates were being published the next day in newspapers around the country.

Douglas responds



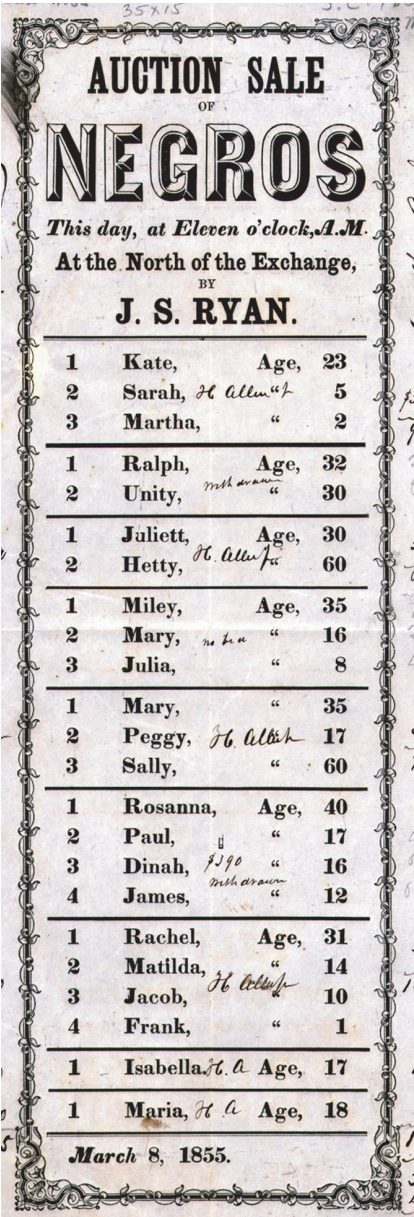
Stephen A. Douglas

Douglas answered, "the people have the lawful means to introduce it, or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations. Those regulations can only be established by the local legislature, and if the people are opposed to slavery they will elect representatives to that body who will by unfriendly legislation effectively prevent the introduction of it into their midst." In other words, Douglas was saying territorial legislatures could not directly prohibit slavery, but they could pass laws that would make it difficult for slavery to exist or fail to pass laws that were needed to protect slavery like a fugitive slave law and the other customary slave codes.

Douglas was returned to the Senate by the narrowest of margins. But his fear that he would anger the proponents of slavery

came true. At the 1860 Democratic National Convention held in April in Charleston, South Carolina some delegates from the South insisted on a plank in the party platform that would demand Congress pass federal regulations that would create a fugitive slave law and other slave codes in the territories. Thereby, superceding the territorial legislatures right to prevent the "introduction of slavery into their midst." Other members of the Democratic Party refused to have this plank in the party platform. Eventually the Democratic Party split and had two candidates for President in 1860. The "Northern" Democrats ran Stephen Douglas and the "Southern" Democrat candidate was John Breckinridge. This split in the Democratic Party helped Abraham Lincoln become the first Republican President.

Events leading to the Civil War



Advertisement for a Slave auction

Kansas-Nebraska Act (1854):

Senators Glenville Dodge (Iowa) and Stephen Douglas sponsored many "Nebraska Bills" during the late 1840's and 1850's. The purpose of the bill was to create a territorial government in the vast land between the Missouri River and the Continental Divide [and therefore make a northern route for the Transcontinental Railroad more feasible]. Every attempt to create a Nebraska Territory was defeated by Southern Senators because any states carved out of the territory would be free because of the Missouri Compromise. In 1854 Stephen Douglas sponsored the Kansas-Nebraska Act. It would create two territories and allow the people who moved there to decide if they would be slave or free territories.

Dred Scott Decision (1857):

In March of 1857, just a few days after James Buchanan was inaugurated as the fifteenth President, the Supreme Court issued its decision in the Dred Scott Case. Scott was a slave who had been in a part of Wisconsin Territory where slavery was illegal because of the Missouri Compromise. The Supreme Court had originally voted 5 to 4 on the case, but at the last minute two Justices from Pennsylvania [Buchanan's home state] switched to the majority. The Supreme Court said: 1) Dred Scott could not sue because blacks could not be citizens of the United States [individual states could grant them state citizenship but they were denied U. S. citizenship because the Constitution was meant to apply only to white men]. 2) Congress had erred in the Missouri Compromise because the Constitution prohibited the National Government from regulating slavery in the territories.

Freeport Doctrine (1858):

In the Freeport Debate Lincoln backed Douglas into a corner by asking, in light of the Dred Scott case, how could a territory prevent slavery? If Douglas said they couldn't, he would lose votes in Illinois where most of the people supported a restriction on slavery in the territories. If he said they could, he would lose support in the South and this might hinder his chances of being elected President in 1860. Douglas said a territory could prevent slavery by failing to pass favorable legislation. In other words the territorial legislature could make it difficult for slave owners to re-capture escaped slaves. Because the Lincoln v. Douglas debates received national coverage the South now saw Douglas as an enemy to slavery.

Southern Demand for a Federal Slave Code (1860):

The Freeport Doctrine caused the South to demand a Federal Slave Code. They wanted the Federal Government to guarantee slavery could exist in all territories. They also wanted the Federal Government to guarantee that a slave owner could travel anywhere in the North with his slave, without having the slave taken away from him by a state court. [Just like an Ohio farmer could travel with his piece of property, a horse, anywhere in the South without having it taken away from him by a state court].

For Further Reading

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